

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

**JOANNA CASTRO,
PLAINTIFF**

V.

**ALBERT SALINAS,
DEFENDANT**

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CIVIL NO. 5:18-CV-00312-DAE

**JOINT MOTION FOR LEAVE TO
EXTEND SCHEDULING ORDER GUIDELINES**

TO THE HONORABLE U.S. DISTRICT COURT:

COME NOW Defendant SALINAS, and Plaintiff JOANNA CASTRO and file this Joint Motion for Leave to Extend Scheduling Order Deadlines, as authorized by the Federal Rule of Civil Procedure 6(b) and in support of this Motion show the Court the following:

**I.
Background**

1. Plaintiff filed her Original Complaint on April 26, 2018. [Dkt. 1].
2. Subsequent to Defendant Salinas filing a Motion to Dismiss [Dkt 3], Plaintiff filed an Amended Complaint. [Dkt.4].
3. On July 2, 2018, Defendant filed a Motion to Dismiss Plaintiff's Amended Complaint [Dkt. 5].
4. The parties held a Rule 26(f) conference and filed their Joint Report and Proposed Scheduling Order on July 27, 2018 [Dkt. 9]. The Scheduling Order was entered on August 2, 2018. [Dkt. 10].

5. On December 17, 2018, the Court issued its ruling, denying Defendant's Motion to Dismiss, without prejudice. [Dkt. 13].

6. On December 22, 2018, Plaintiff filed a Second Amended Complaint adding Defendants City of Olmos Park ("City") and Olmos Park Chief of Police, Rene Valenciano ("Valenciano"). [Dkt. 17]. On February 15, 2019, Defendants City and Valenciano filed their Motion to Dismiss Plaintiff's Second Amended Complaint. [Dkt 22]. Plaintiff filed her Response thereto on March 15, 2019. [Dkt 25]. Pursuant to an agreement between the parties, Defendants' Reply is due on April 3, 2019. Defendants' await a ruling on their uncontested motion to extend the Reply deadline. [Dkt 26].

7. The parties have agreed to extend the following Scheduling Order deadlines, due to the fact that Plaintiff added the City and Valenciano as party Defendants in Plaintiff's Second Amended Complaint and the Court's ruling on the City's and Valenciano' s Motion to Dismiss has not yet occurred. Therefore, the Parties will require additional time to conduct discovery, join additional parties, designate experts and prepare dispositive motions as follows:

- a. The parties shall file all motions to amend or supplement pleadings or to join additional parties from December 19, 2018 to May 31, 2019;
- b. Plaintiff's deadline to designate testifying experts and shall serve on all parties, but not file materials required by Fed. R. Civ. P. 26(a)(2)(B), from November 16, 2018 to May 31, 2019;
- c. Defendant's deadline to designate testifying experts and shall serve on all parties, but not file materials required by Fed. R. Civ. P. 26(a)(2)(B), from January 22, 2019 to June 30, 2019;

- e. The deadline for the completion of all discovery is extended from April 1, 2019 to **July 31, 2019.**
- f. The deadline to file dispositive motions is extended from June 1, 2019 to **August 30, 2019.**

8. Currently, there is no trial setting. The parties assert that this motion is not for delay, but to ensure efficiency to see that justice is done.

CERTIFICATE OF CONFERENCE

9. The undersigned conferred with Plaintiff's counsel via telephone conference on March 20, 2019 and email correspondence, dated March 26, 2019, conferring on the extension of Scheduling Order deadlines enumerated above. *See Exhibit A.*

WHEREFORE PREMISES CONSIDERED, the Parties pray this Court grant this Joint Motion for Leave to Extend Scheduling Order Deadlines and extend the deadlines as enumerated above, and for other relief to which the parties are justly entitled.

Signed this 26th day of March, 2019.

Respectfully submitted,

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